

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

JOHN THOMAS MILLER, )  
                          )  
Plaintiff,            )  
                          )  
v.                     )      Case No.: 4:17-CV-180-VEH  
                          )  
JEFFERSON S. DUNN, et al., )  
                          )  
Defendants.            )

**JOINT MOTION TO SUBMIT PARTIES'  
AMENDED SCHEDULING PLAN**

COME NOW the parties and jointly move this Honorable Court for leave to submit the Amended Report of Planning Meeting attached as Exhibit A and for entry of the parties' proposed amended discovery schedule.

1. This case has been consolidated for discovery with four other cases involving alleged assaults at St. Clair Correctional Facility in early 2015.<sup>1</sup>
2. On August 4, 2017, the parties submitted a Joint Report of Planning Meeting with an agreed-upon proposed schedule for discovery. Nearly identical reports were submitted in the consolidated cases.

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<sup>1</sup> The five consolidated cases consist of: *John Thomas Miller v. Kim Thomas, et al.*, N.D. Ala., Middle Division, Case No. 4:17-cv-180-VEH; *Michael Stanley Townsel v. Kim Thomas, et al.*, N.D. Ala., Middle Division, Case No. 4:17-cv-516-VEH; *William Casey v. Kim Thomas, et al.*, N.D. Ala., Middle Division, Case No. 4:17-cv-563-JEO; *Anthony Zeller v. Kim Thomas, et al.*, N.D. Ala., Middle Division, Case No. 4:17-cv-564-KOB; & *Michael McGregor v. Kim Thomas, et al.*, N.D. Ala., Middle Division, Case No. 4:17-cv-593-VEH.

3. In the Joint Report of Planning Meeting, the parties set forth their agreement that Defendants would produce all documents from the case of *Antonio Cheatham v. William G. Sharp, Jr. et al.*, Case No. 4:14-cv-1952-VEH (N.D. Ala.), as the Rule 26(a)(1)(ii) component of their Initial Disclosures. The parties further proposed an agreed-upon schedule pursuant to which discovery would commence sixty days after the Initial Disclosures, to allow sufficient time to review the *Cheatham* case documents prior to conducting discovery.
4. Since that time, the parties have exchanged their Initial Disclosures, including the agreed-upon *Cheatham* documents, which numbered over 250,000 pages.
5. The parties now jointly seek this Court's leave to submit the attached amended Report of Planning Meeting, with an amended proposed discovery schedule.
6. The sole change proposed by the parties is the provision of an additional sixty days prior to the commencement of discovery, and a corresponding shift in the remaining discovery deadlines. The parties seek this time to complete their review of the *Cheatham* documents, which were nearly ten times as voluminous as anticipated.
7. This Court has not yet set a discovery schedule in the case.

8. The parties submit that their proposed amended discovery schedule will not prejudice any party and will facilitate the efficient resolution of this case.

WHEREFORE, all parties jointly move this Court for leave to submit the Amended Report of Planning Meeting attached as Exhibit A and for entry of the parties' proposed amended discovery schedule.

Respectfully submitted this 10th day of November, 2017.

/s/ Ruth Z. Brown

**Ruth Z. Brown**  
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/s/ Bart G. Harmon

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/s/ Henry F. (Hank) Sherrod III

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#### **CERTIFICATE OF SERVICE**

I, Ruth Brown, an attorney, certify that on November 10, 2017, I served the foregoing Motion to Compel on all counsel of record via the CM/ECF filing system.

/s/ Ruth Brown